

REMARKS

Claims 11 and 12 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 to 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Applicants' Admitted Prior Art (AAPA).

Claims 2 to 6 and 11 are hereby amended. Support is found at paragraphs [0029] to [0036], for example. Claims 1 and 12 are hereby canceled without prejudice.

Reconsideration of the application based on the following remarks is respectfully requested.

Examiner Interview

Applicants' representative, Clint Mehall, conducted a telephone interview with Examiner Zimmerman on October 29, 2009 to discuss the rejections under 35 U.S.C. 112, second paragraph, of claim 11. Examiner Zimmerman agreed that the rejections under 35 U.S.C. 112, second paragraph, would likely be overcome if portions of the preamble were removed, further steps were positively recited, and the "examining" step and the "modifying" step were amended as they are herein.

35 U.S.C. 112, Second Paragraph, Rejections

Claims 11 and 12 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claim 11 is hereby amended in accordance with the Examiner Interview described above and is submitted as being clear and definite. Claim 12 is hereby canceled. Thus, withdrawal of the rejection under 35 U.S.C. 112, second paragraph, of claim 11 is respectfully requested.

35 U.S.C. 102(b) Rejections

Claims 1 to 10 were rejected under 35 U.S.C. §102(b) as being anticipated by Applicants' Admitted Prior Art (AAPA).

Claim 1 is hereby canceled and claims 2 to 10 are now dependent on claim 11, which was not rejected in view of prior art. Thus, withdrawal of the rejection under 35 U.S.C. 102(b) of claims 2 to 10 is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicant respectfully requests such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris,
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940